

AMENDED IN SENATE MAY 2, 2011  
AMENDED IN SENATE APRIL 6, 2011

**SENATE BILL**

**No. 456**

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**Introduced by Senator Huff**

February 16, 2011

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An act to amend Sections 25160.2, 25218.1, and 25218.5 of the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Huff. Household hazardous waste: transportation.

(1) Existing law, part of the hazardous waste control laws, authorizes a door-to-door household hazardous waste collection program to transport hazardous waste from individual residences to an authorized household hazardous waste collection facility. Existing law requires any person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, to complete a manifest and exempts a door-to-door household hazardous waste collection program from having to complete a manifest if it is transporting household hazardous waste collected from individual residences for transportation to an authorized collection facility. A violation of the hazardous waste control laws is a crime.

Existing law establishes a procedure for a consolidated manifest, to be used by generators and transporters for certain types of hazardous waste. A generator using the consolidated manifesting procedure is required to meet specified requirements, including having an identification number, except as specified.

This bill would authorize a door-to-door household hazardous waste collection program to ~~also~~ transport household hazardous waste to a hazardous waste facility, as defined. The bill would require the use of *the* consolidated manifesting procedure by ~~the~~ a public agency or its contractor if it transports household hazardous waste to a hazardous waste facility, however, the bill would exclude a generator that is a household from the requirement of having an identification number. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25160.2 of the Health and Safety Code
- 2 is amended to read:
- 3 25160.2. (a) In lieu of the procedures prescribed by Sections
- 4 25160 and 25161, transporters and generators of hazardous waste
- 5 meeting the conditions in this section may use the consolidated
- 6 manifesting procedure set forth in subdivision (b) to consolidate
- 7 shipments of waste streams identified in subdivision (c) collected
- 8 from multiple generators onto a single consolidated manifest.
- 9 (b) The following consolidated manifesting procedure may be
- 10 used only for non-RCRA hazardous waste or for RCRA hazardous
- 11 waste that is not required to be manifested pursuant to the federal
- 12 act or the federal regulations adopted pursuant to the federal act
- 13 and transported by a registered hazardous waste transporter, and
- 14 used only with the consent of the generator:
- 15 (1) A separate manifest shall be completed by each vehicle
- 16 driver, with respect to each transport vehicle operated by that driver
- 17 for each date.
- 18 (2) The transporter shall complete both the generator's and the
- 19 transporter's section of the manifest using the transporter's name,
- 20 identification number, terminal address, and telephone number.
- 21 The generator's and transporter's sections shall be completed prior

1 to commencing each day's collections. The driver shall sign and  
2 date the generator's and transporter's sections of the manifest.

3 (3) The transporter shall attach to the front of the manifest  
4 legible receipts for each quantity of hazardous waste that is  
5 received from a generator. The receipts shall be used to determine  
6 the total volume of hazardous waste in the vehicle. After the  
7 hazardous waste is delivered, the receipts shall be affixed to the  
8 transporter's copy of the manifest. The transporter shall leave a  
9 copy of the receipt with the generator of the hazardous waste. The  
10 generator shall retain each receipt for at least three years. This  
11 period of retention is extended automatically during the course of  
12 any unresolved enforcement action regarding the regulated activity  
13 or as requested by the department or a certified unified program  
14 agency.

15 (4) All copies of each receipt shall contain all of the following  
16 information:

17 (A) The name, address, identification number, contact person,  
18 and telephone number of the generator, and the signature of the  
19 generator or the generator's representative.

20 (B) The date of the shipment.

21 (C) The manifest number.

22 (D) The volume or quantity of each waste stream received, its  
23 California and RCRA waste codes, the waste stream type listed in  
24 subdivision (c), and its proper shipping description, including the  
25 hazardous class and United Nations/North America (UN/NA)  
26 identification number, if applicable.

27 (E) The name, address, and identification number of the  
28 authorized facility to which the hazardous waste will be  
29 transported.

30 (F) The transporter's name, address, and identification number.

31 (G) The driver's signature.

32 (H) A statement, signed by the generator, certifying that the  
33 generator has established a program to reduce the volume or  
34 quantity and toxicity of the hazardous waste to the degree, as  
35 determined by the generator, to be economically practicable.

36 (5) The transporter shall enter the total volume or quantity of  
37 each waste stream transported on the manifest at the change of  
38 each date, change of driver, or change of transport vehicle. The  
39 total volume or quantity shall be the cumulative amount of each  
40 waste stream collected from the generators listed on the individual

1 receipts. In lieu of submitting a copy of each manifest used, a  
2 facility operator may submit an electronic report to the department  
3 meeting the requirements of Section 25160.3.

4 (6) The transporter shall submit the generator copy of the  
5 manifest to the department within 30 days of each shipment.

6 (7) The transporter shall retain a copy of the manifest and all  
7 receipts for each manifest at a location within the state for three  
8 years. This period of retention is extended automatically during  
9 the course of any unresolved enforcement action regarding the  
10 regulated activity or as requested by the department or a certified  
11 unified program agency.

12 (8) The transporter shall submit all copies of the manifest to the  
13 designated facility. A representative of the designated facility that  
14 receives the hazardous waste shall sign and date the manifest,  
15 return two copies to the transporter, retain one copy, and send the  
16 original to the department within 30 days.

17 (9) All other manifesting requirements of Sections 25160 and  
18 25161 shall be complied with unless specifically exempted under  
19 this section. If an out-of-state receiving facility is not required to  
20 submit the signed manifest copy to the department, the consolidated  
21 transporter, acting as generator, shall submit a copy of the manifest  
22 signed by the receiving facility to the department pursuant to  
23 paragraph (3) of subdivision (b) of Section 25160.

24 (10) Each generator using the consolidated manifesting  
25 procedure shall have an identification number, unless the generator  
26 is either of the following:

27 (A) The generator is exempted from manifesting requirements  
28 by action of Section 25143.13 for generators of photographic waste  
29 less than 100 kilograms per calendar month.

30 (B) The generator is a household, as defined in subdivision (d)  
31 of Section 25218.1.

32 (c) The consolidated manifesting procedure set forth in  
33 subdivision (b) may be used only for the following waste streams  
34 and in accordance with the conditions specified below for each  
35 waste stream:

36 (1) Used oil and the contents of an oil/water separator, if the  
37 separator is a catch basin, clarifier, or similar collection device  
38 that is used to collect water containing residual amounts of one or  
39 more of the following: used oil, antifreeze, or other substances and

1 contaminants associated with activities that generate used oil and  
2 antifreeze.

3 (2) The wastes listed in subparagraph (A) may be manifested  
4 under the procedures specified in this section only if all of the  
5 requirements specified in subparagraphs (B) and (C) are satisfied.

6 (A) Wastes eligible for consolidated manifesting:

7 (i) Solids contaminated with used oil.

8 (ii) Brake fluid.

9 (iii) Antifreeze.

10 (iv) Antifreeze sludge.

11 (v) Parts cleaning solvents, including aqueous cleaning solvents.

12 (vi) Hydroxide sludge contaminated solely with metals from a  
13 wastewater treatment process.

14 (vii) "Paint-related" wastes, including paints, thinners, filters,  
15 and sludges.

16 (viii) Spent photographic solutions.

17 (ix) Dry cleaning solvents (including perchloroethylene,  
18 naphtha, and silicone based solvents).

19 (x) Filters, lint, and sludges contaminated with dry cleaning  
20 solvent.

21 (xi) Asbestos and asbestos-containing materials.

22 (xii) Inks from the printing industry.

23 (xiii) Chemicals and laboratory packs collected from K-12  
24 schools.

25 (xiv) Absorbents contaminated with other wastes listed in this  
26 section.

27 (xv) Filters from dispensing pumps for diesel and gasoline fuels.

28 (xvi) Any other waste, as specified in regulations adopted by  
29 the department.

30 (xvii) Household hazardous waste, as defined ~~as~~ *in* subdivision  
31 (e) of Section 25218.1, that is collected by a door-to-door  
32 household hazardous waste collection program.

33 (B) The generator does not generate more than 1,000 kilograms  
34 per calendar month of hazardous waste and meets the conditions  
35 of paragraph (1) of subdivision (h) of Section 25123.3. For the  
36 purpose of calculating the 1,000 kilograms per calendar month  
37 limit described in this section, the generator may exclude the  
38 volume of used oil and the contents of the oil/water separator that  
39 is managed pursuant to paragraph (1) of subdivision (c).

1 (C) (i) The generator enters into an agreement with the  
2 transporter in which the transporter agrees that the transporter will  
3 submit a confirmation to the generator that the hazardous waste  
4 was transported to an authorized hazardous waste treatment facility  
5 for appropriate treatment. The agreement may provide that the  
6 hazardous waste will first be transported to a storage or transfer  
7 facility in accordance with the applicable provisions of law.

8 (ii) The treatment requirement specified in clause (i) does not  
9 apply to asbestos, asbestos-containing materials, and chemicals  
10 and laboratory packs collected from K-12 schools, or any other  
11 waste stream for which the department determines there is no  
12 reasonably available treatment methodology or facility. These  
13 wastes shall be transported to an authorized facility.

14 (d) Transporters using the consolidated manifesting procedure  
15 set forth in this section shall submit quarterly reports to the  
16 department 30 days after the end of each quarter. The first quarterly  
17 report shall be submitted on October 31, 2002, covering the July  
18 to September 2002 period, and every three months thereafter.  
19 Except as otherwise specified in paragraph (1), the quarterly report  
20 shall be submitted in an electronic format provided by the  
21 department.

22 The department shall make all of the information in the quarterly  
23 reports submitted pursuant to this subdivision available to the  
24 public, through its usual means of disclosure, except the department  
25 shall not disclose the association between any specific transporter  
26 and specific generator. The list of generators served by a transporter  
27 shall be deemed to be a trade secret and confidential business  
28 information for purposes of Section 25173 and Section 66260.2  
29 of Title 22 of the California Code of Regulations.

30 (1) Transporters that use the consolidated manifesting procedure  
31 for less than 1,000 tons per calendar year may apply to the  
32 department to continue submitting paper format reports.

33 (2) For each transporter's name, terminal address, and  
34 identification number, the quarterly report shall include the  
35 following information for each generator for each consolidated  
36 manifest:

37 (A) The name, address, and identification number, the contact  
38 persons's name, and the telephone number of each generator.

39 (B) The date of the shipment.

40 (C) The manifest number.

1 (D) The volume or quantity of each waste stream received, its  
2 California and RCRA waste code, and the waste stream category  
3 listed in subdivision (c).

4 SEC. 2. Section 25218.1 of the Health and Safety Code is  
5 amended to read:

6 25218.1. For purposes of this article, the following terms have  
7 the following meanings:

8 (a) “Conditionally exempt small quantity generator” or  
9 “CESQG” means a business concern that meets the criteria  
10 specified in Section 261.5 of Title 40 of the Code of Federal  
11 Regulations.

12 (b) “Curbside household hazardous waste collection program”  
13 means a collection service authorized by a public agency that is  
14 operated in accordance with Section 25163 and subdivision (d) of  
15 Section 25218.5 and that collects one or more of the following  
16 types of household hazardous waste:

17 (1) Latex paint.

18 (2) Used oil.

19 (3) Used oil filters.

20 (4) Household hazardous waste that is designated as a universal  
21 waste pursuant to this chapter or the regulations adopted by the  
22 department.

23 (c) “Door-to-door household hazardous waste collection  
24 program” or “household hazardous waste residential pickup  
25 service” means a program operated by a public agency, or its  
26 contractor, that collects household hazardous waste from individual  
27 residences and transports that waste in an inspected and certified  
28 hazardous waste transport vehicle to an authorized household  
29 hazardous waste collection facility, or to a hazardous waste facility,  
30 as defined in Section 66260.10 of Title 22 of the California Code  
31 of Regulations.

32 (d) “Household” means a single detached residence or a single  
33 unit of a multiple residence unit and all appurtenant structures.

34 (e) “Household hazardous waste” means hazardous waste  
35 generated incidental to owning or maintaining a place of residence.  
36 Household hazardous waste does not include waste generated in  
37 the course of operating a business concern at a residence.

38 (f) “Household hazardous waste collection facility” means a  
39 facility operated by a public agency, or its contractor, for the  
40 purpose of collecting, handling, treating, storing, recycling, or

1 disposing of household hazardous waste, and its operation may  
2 include accepting hazardous waste from conditionally exempt  
3 small quantity generators if that acceptance is authorized pursuant  
4 to Section 25218.3. Household hazardous waste collection facilities  
5 include permanent household hazardous waste collection facilities,  
6 as defined in subdivision (h), temporary household hazardous  
7 waste collection facilities, as defined in subdivision (p),  
8 recycle-only household hazardous waste collection facilities, as  
9 defined in subdivision (n), curbside household hazardous waste  
10 collection programs, as defined in subdivision (b), and mobile  
11 household hazardous waste collection facilities, as defined in  
12 subdivision (g).

13 (g) “Mobile household hazardous waste collection facility”  
14 means a portable structure within which a household hazardous  
15 waste collection facility is operated and that meets all of the  
16 following conditions:

17 (1) The facility is operated not more than four times in any one  
18 calendar year at the same location.

19 (2) The facility is operated not more than three consecutive  
20 weeks within a two-month period at the same location.

21 (3) Upon the termination of operations, all equipment, materials,  
22 and waste are removed from the site within 144 hours.

23 (h) “Permanent household hazardous waste collection facility”  
24 means a permanent or semipermanent structure at a fixed location  
25 that meets both of the following conditions:

26 (1) The facility is operated at the same location on a continuous,  
27 regular schedule.

28 (2) The hazardous waste stored at the facility is removed within  
29 one year after collection.

30 (i) “Public agency” means a state or federal agency, county,  
31 city, or district.

32 (j) “Quality assurance plan” means a written protocol prepared  
33 by a public agency that is designed to ensure that reusable  
34 household hazardous products or materials, as defined in  
35 subdivision (o), that are collected by a household hazardous waste  
36 collection program are evaluated to verify that product containers,  
37 contents, and labels are as they originated from the products’  
38 manufacturers. The public agency or a person authorized by the  
39 public agency, as defined in subdivision (k), shall design the  
40 protocol to ensure, using its best efforts with the resources



generally available to the public agency, or the person authorized by the public agency, that products selected for distribution are appropriately labeled, uncontaminated, and appear to be as they originated from the product manufacturers. A quality assurance plan shall identify specific procedures for evaluating each container placed in a recycling or exchange program. The quality assurance plan shall also identify those products that shall not be accepted for distribution in a recycling or exchange program. Unacceptable products may include, but are not limited to, banned or unregistered agricultural waste, as defined in subdivision (a) of Section 25207.1, and products containing polychlorinated biphenyls (PCB), asbestos, or dioxin.

(k) “Person authorized by the public agency” means an employee of a public agency or a person from whom services are contracted by the public agency.

(l) “Recipient” means a person who accepts a reusable household hazardous product or material at a household hazardous waste collection facility operating pursuant to this article.

(m) “Recyclable household hazardous waste material” means any of the following:

- (1) Latex paint.
- (2) Used oil.
- (3) Used oil filters.
- (4) Antifreeze.
- (5) Spent lead-acid batteries.

(6) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department, except a universal waste for which the department determines, by regulation, that there is no readily available authorized recycling facility capable of accepting and recycling that waste.

(n) “Recycle-only household hazardous waste collection facility” means a household hazardous waste collection facility that is operated in accordance with Section 25218.8 and accepts for recycling only recyclable household hazardous waste materials.

(o) “Reusable household hazardous product or material” means a container of household hazardous product, or a container of hazardous material generated by a conditionally exempt small quantity generator, that has been received by a household hazardous waste collection facility operating pursuant to this article and that

1 is offered for distribution in a materials exchange program to a  
2 recipient, as defined in subdivision (l), in accordance with a quality  
3 assurance plan, as defined in subdivision (j).

4 (p) “Temporary household hazardous waste collection facility”  
5 means a household hazardous waste collection facility that meets  
6 both of the following conditions:

7 (1) The facility is operated not more than once for a period of  
8 not more than two days in any one month at the same location.

9 (2) Upon termination of operations, all equipment, materials,  
10 and waste are removed from the site within 144 hours.

11 SEC. 3. Section 25218.5 of the Health and Safety Code is  
12 amended to read:

13 25218.5. (a) (1) Except as provided in paragraph (2),  
14 hazardous waste transported to a household hazardous waste  
15 collection facility shall be transported by any of the following:

16 (A) The individual or CESQG who generated the waste.

17 (B) A curbside household hazardous waste collection program.

18 (C) A mobile household hazardous waste collection facility, a  
19 temporary household hazardous waste collection facility, or a  
20 recycle-only household hazardous waste collection facility.

21 (D) A door-to-door household hazardous waste collection  
22 program.

23 (E) A household hazardous waste residential pickup service.

24 (F) A registered hazardous waste transporter carrying hazardous  
25 waste generated by a CESQG.

26 (G) A registered hazardous waste transporter carrying hazardous  
27 waste from a solid waste landfill loadcheck program or a transfer  
28 station loadcheck program under agreement with the household  
29 hazardous waste collection facility.

30 (H) A registered hazardous waste transporter, under agreement  
31 with the household hazardous waste *collection* facility, operating  
32 under a contract with a public agency to transport hazardous wastes  
33 that were disposed of in violation of this chapter, and that are being  
34 removed by, or are being removed under the oversight of, the  
35 public agency, if the hazardous wastes were not originally disposed  
36 of in violation of this chapter by that public agency.

37 (2) Spent batteries that are received and transported pursuant  
38 to Section 25216.1 may be transported to a household hazardous  
39 waste collection facility from a collection location or an  
40 intermediate collection location.

(3) Notwithstanding Section 25218.4, a registered hazardous waste transporter or mobile household hazardous waste collection facility transporting hazardous waste to a household hazardous waste collection facility shall comply with subdivisions (a) and (c) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.

(b) An individual transporting household hazardous waste generated by that individual and a CESQG transporting hazardous waste generated by the CESQG to a household hazardous waste collection facility shall meet all of the following conditions:

(1) (A) Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a CESQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.

(B) Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.

(C) A CESQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:

(i) The hazardous waste being transported was generated by that CESQG.

(ii) The CESQG contacts the household hazardous waste collection facility prior to each delivery to confirm that the facility will accept the hazardous waste.

(iii) The household hazardous waste collection facility provides oral, written, or electronic instructions to the CESQG prior to each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.

(iv) The CESQG or employees of the CESQG transport the hazardous waste in a vehicle owned and operated by the CESQG.

(2) The household hazardous waste and CESQG hazardous waste that is transported shall be in closed containers and packed

1 in a manner that prevents the containers from tipping, spilling, or  
2 breaking during transport.

3 (3) Different household hazardous wastes or different CESQG  
4 hazardous wastes shall not be mixed within a container before or  
5 during transport.

6 (4) If the hazardous waste is an extremely hazardous waste or  
7 an acutely hazardous waste, the total amount transported by a  
8 CESQG shall not exceed 2.2 pounds.

9 (c) (1) Except as provided in paragraph (2), the total combined  
10 volume or weight of latex paint, used oil filters, antifreeze, and  
11 small batteries transported to a recycle-only household hazardous  
12 waste collection facility by any one individual shall not exceed a  
13 total volume of 10 gallons or a total dry weight of 100 pounds. Up  
14 to two spent lead-acid batteries may be transported at the same  
15 time and not more than 20 gallons of used oil may be transported  
16 in the same vehicle if the volume of each individual container does  
17 not exceed five gallons.

18 (2) Paragraph (1) does not apply to spent batteries that are  
19 collected by a collection location or intermediate collection location  
20 pursuant to Section 25216.1 and transported to a household  
21 hazardous waste collection facility.

22 (d) A curbside household hazardous waste collection program  
23 shall meet all of the following conditions:

24 (1) Not more than a total combined weight of 10 pounds of used  
25 oil filters shall be collected from a single residence at one time.

26 (2) Not more than five gallons of used oil shall be collected  
27 from a single residence at one time, and the volume of each  
28 individual container collected shall not exceed five gallons.

29 (3) Not more than five gallons of latex paint shall be collected  
30 from a single residence at one time, and the volume of each  
31 individual container collected shall not exceed five gallons.

32 (4) Hazardous waste containing mercury shall not be collected  
33 by a curbside household hazardous waste collection program unless  
34 the waste is contained in secure packaging that prevents breakage  
35 and spillage.

36 (5) Fluorescent light tubes that are four feet or greater in length  
37 shall not be collected by a curbside household hazardous waste  
38 collection program.

1 (6) The transported household hazardous waste shall be in closed  
2 containers and packed in a manner that prevents the containers  
3 from tipping, spilling, or breaking during transport.

4 (7) Different household hazardous wastes shall not be mixed  
5 within a container before or during transport.

6 (e) A door-to-door household hazardous waste collection  
7 program or household hazardous waste residential pickup service  
8 shall meet all of the following conditions:

9 (1) The transported household hazardous waste shall be in closed  
10 containers and packed in a manner that prevents the containers  
11 from tipping, spilling, or breaking during transport.

12 (2) Different household hazardous wastes shall not be mixed  
13 within a container before or during transport.

14 (3) (A) A door-to-door household hazardous waste collection  
15 program or household hazardous waste residential pickup service  
16 is exempt from the requirements of Section 25160 regarding the  
17 use of a manifest when transporting household hazardous waste  
18 collected from individual residences to an authorized hazardous  
19 waste collection facility. In lieu of a manifest, a receipt shall be  
20 issued for the household hazardous waste collected from an  
21 individual residence, and a copy of the receipt shall be retained by  
22 the public agency for a period of at least three years.

23 (B) If household hazardous waste is transported to a hazardous  
24 waste facility, as defined in Section 66260.10 of Title 22 of the  
25 California Code of Regulations, the consolidated manifesting  
26 procedures specified in Section 25160.2 shall be used by the public  
27 agency or its contractor.

28 (f) Notwithstanding Section 25218.4, a mobile household  
29 hazardous waste collection facility, a temporary household  
30 hazardous waste collection facility, or a recycle-only household  
31 hazardous waste collection facility that transports household  
32 hazardous waste from the collection facility to a household  
33 hazardous waste collection facility pursuant to subdivision (a) shall  
34 comply with subdivisions (a) and (c) of Section 25163 and  
35 paragraph (1) of subdivision (d) of Section 25160.

36 SEC. 4. No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty

- 1 for a crime or infraction, within the meaning of Section 17556 of
- 2 the Government Code, or changes the definition of a crime within
- 3 the meaning of Section 6 of Article XIII B of the California
- 4 Constitution.

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